

Response Actions

Complying with the Cleanup Requirements

RR #633

The Dry Cleaner Environmental Response Fund Program

April, 2003

The ch. NR 700, Wis. Admin. Code rule series contains the environmental cleanup requirements for Wisconsin. The individual chapters within this series that apply to dry cleaner cleanups are highlighted in the adjacent box. Copies of these rules may be obtained by calling the Department of Administration Document Sales at (608) 266-3358 or by downloading from the Legislative web site at www.legis.state.wi.us/rsb/code/index.html.

Intertwined with the NR 700 cleanup rule series, the Dry Cleaner Environmental Response Fund (DERF) Program specifies response action categories for reimbursement and establishes criteria for allocating portions of the fund to these categories. These categories include immediate actions and remedial actions (including interim actions, site investigations and remedial actions).

The following describes each of these actions as they relate to the Dry Cleaner Environmental Response Fund Program. For any type of response to be eligible for reimbursement, the DNR must be notified of the discharge following ch. NR 706, which requires immediate notification. Notification may be made through the DNR spill hotline at 1-800-943-0003, by using the fax notification form for non-emergency notification on our web site (www.dnr.state.wi.us/org/aw/rr) or by calling your regional DNR office and asking for the Remediation and Redevelopment program.

Chapter NR 700 Rule Series:

- NR 700 – General Requirements
- NR 706 – Hazardous substance discharge notification and source confirmation requirements
- NR 708 – Immediate and Interim Actions
- NR 712 – Personnel qualifications for conducting environmental response actions
- NR 714 – Public information and participation
- NR 716 – Site Investigations
- NR 718 – Management of solid wastes excavated during response actions
- NR 720 – Soil Cleanup Standards
- NR 722 – Standards for selecting remedial actions
- NR 724 – Remedial and interim action design, implementation, operation, maintenance, and monitoring requirements
- NR 726 – Case Closure
- NR 728 – Enforcement
- NR 749 – Fees

Immediate Action Requirements:

Immediate action costs will be reimbursed based on the order in which applications are received (9.7% of the fund is reserved for these actions). The eligible applicant must:

- ★ document that the response action was appropriate given site-specific circumstances;
- ★ obtain concurrence from the department project manager before conducting the response action, if the cost exceeds \$10,000; and
- ★ submit an application to the department that documents all eligible actions and associated costs within 120 days of completing the immediate action.

Examples:

- ★ *A drum of perchloroethylene is punctured and leaking onto the parking lot and running off into the ditch. Immediate action is needed to stop the leak, and contain the spilled materials before they reach the ditch or migrate deeper into the soil or to a surface water.*



Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707



- ★ *During an investigation, a dry cleaner's consultant discovers that the well next door is contaminated with high levels of perchloroethylene. They install a home treatment system at the home to protect the residents from exposure to the perchloroethylene as an immediate response activity. When cleanup is achieved, this filter is no longer necessary and removed.*

Site Investigation (SI) Scoping Activities

Site investigation scoping activities are those taken to determine whether a discharge has occurred at a facility. Sometimes these are called phase I and phase II investigations, but the DERF program uses the term site investigation scoping. The purpose of the SI scoping is to document a discharge from a dry cleaning facility and provide sufficient data to develop an adequate work plan for an SI in accordance with ch. NR 716, Wis. Admin. Code, if warranted. A limited number of samples per source area per media (soil/water) will be approved, as site conditions warrant, to meet the above objectives.

Ch. NR 169.05(27), Wis. Admin. Code defines SI scoping activities, including an SI scoping report to include:

- ★ an evaluation of the history of the facility, including the location of dry cleaning equipment, chemical and filter storage locations; the type of contaminants and amount of contamination;
- ★ identification of the environmental media affected or potentially affected by the contamination;
- ★ the location of the site or facility and its proximity to other sources of contamination;
- ★ an assessment of potential or known impacts to receptors;
- ★ potential or known impacts to sensitive areas including wetlands, outstanding resource waters and exceptional resource waters, and site or facility of historical or archaeological significance; and
- ★ a map showing the site boundaries, location of source areas, including utility corridors including sewer lines, adjacent streets, receptor locations and sample locations and results of sampling.

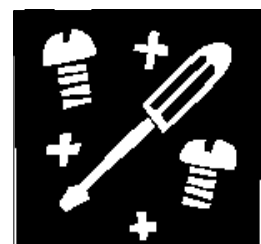
The purpose of the SI scoping activities is not to determine the extent of the discharge, but rather to document that a discharge has occurred. These costs are reimbursable from the dry cleaner fund when they are submitted to the department as part of the site investigation reimbursement application, assuming that the costs are deemed reasonable by the DNR project manager and a discharge from a drycleaning facility has indeed occurred. If an eligible applicant conducts SI scoping activities and does not discover a discharge, the SI scoping costs are not reimbursable from the DERF program.

Interim Actions:

Interim actions are those actions that stabilize or contain a discharge while other actions are planned or being taken at the facility. An NR 716 site investigation is required either during or shortly after the implementation of an interim action.

Example:

A dry cleaner knows that there is an area of highly contaminated soils, based on past facility practices. The consultant who was selected to conduct the site investigation recommends that a soil vapor extraction (SVE) system be immediately installed while they complete their site investigation activities to try to reduce the mass of contamination in the soil. After discussions with the project manager, and reviewing



the costs proposed by the consultant, the DNR project manager concludes that bidding for the interim action is not warranted, and approves the installation of the SVE system as an interim action. At the completion of the site investigation, the consultant will recommend whether further remedial actions are needed, based on the effectiveness of the interim action and the extent of contamination reported in their site investigation report.

Remedial Actions:

Remedial actions are actions taken (other than immediate or interim) so that the discharge does not present an actual or potential threat to public health, safety or welfare. For the purpose of reimbursement from the Dry Cleaner Environmental Response program, remedial actions are separated into two phases of actions: the site investigation and the remedial action. To be eligible for reimbursement, eligible applicants must follow ch. NR 169 for bidding and contracting requirements for each of these phases of actions (See publication *RR - 635 Hiring an Contractor* for more information on bidding and contracting requirements).

Response actions must comply with the ch. NR 700 rule series which includes rules on conducting a site investigation and preparing the remedial options report (including a schedule for implementing the remedial actions). When these activities are completed and approved by the department, the applicant may submit a reimbursement application for these portions of the response action costs to the department. Once they obtain bids for implementing the remedial action and obtain departmental approval for the selected consultant, the eligible applicant may submit up to two reimbursement requests for those response actions per fiscal year per facility. At the conclusion of the remedial action, the eligible applicant must submit an application documenting all remaining eligible actions and associated costs prior to requesting site closure under ch. NR 726, but no later than 120 days after completing the remedial action.

Example:

- ★ *A dry cleaner hires a consultant to conduct a site investigation scoping of their facility. The results of the investigation conclude that there is groundwater contamination and some soil contamination. An interim action is not warranted at this site, mostly because of the age of the discharge, the low level of soil contamination, and the fact that the groundwater is already significantly contaminated. The consultant completes the ch. NR 716 site investigation, including the remedial options report. After receiving DNR project manager approval, the drycleaner takes the remedial options report out to bid and recommends to the DNR the consultant they want to hire to implement the remedy. Again, after obtaining DNR approval, the consultant is hired and cleanup activities are completed.*

Clean-up Levels

Ch. NR 140, Wis. Adm. Code, establishes numeric groundwater quality standards for cleaning up contaminated sites. These standards include an enforcement standard for numerous contaminants found in the groundwater. The enforcement standard for perchloroethylene is 5 parts per billion. Soil clean-up levels are established in ch. NR 720, Wis. Adm. Code. This code includes table values for some contaminants as well as a methodology for establishing site-specific residual cleanup levels (RCLs) for soils at your site. There is no table value for perchloroethylene at this time. (See the following EPA website for further information on determining site-specific soil cleanup numbers: http://risk.lsd.ornl.gov/calc_start.shtml).

Technical Assistance

The DNR Bureau for Remediation and Redevelopment has a number of publications that are available regarding the cleanup program and cleanup requirements. You may request the listing of publications by calling the Remediation and Redevelopment Information Line at 800-367-6076 (long distance in-state) or (608) 264-6020 (local or out-of-state). The publications are free of charge and can be downloaded from the web page at www.dnr.state.wi.us/org/aw/rr or can be ordered directly from the information line. DNR project managers assigned to your site are also a source of information regarding your site-specific questions.

Other Regulations

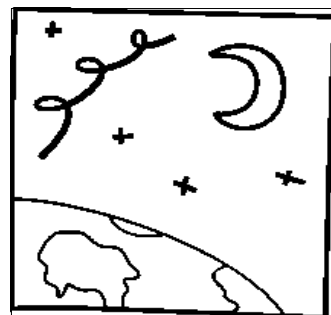
Cleaning up dry cleaning facilities requires compliance with the federal hazardous waste law, also known as the Resource Conservation and Recovery Act (RCRA). The DNR is authorized by the federal Environmental Protection Agency to implement this law on their behalf. The DNR's Remediation and Redevelopment program and the Waste Program have developed guidelines for making hazardous waste determinations. The responsible party is required to make this determination, using the guidance developed by the DNR. Your regional DNR project manager can help you evaluate whether wastes at your facility are hazardous or non-hazardous wastes. This determination is critical when determining the appropriate remedy for the site.

In conclusion

The DNR encourages each dry cleaner to become actively involved in their cleanup activities. Participate in discussions between the DNR and your consultant during a cleanup, so you can understand why actions are being required and the associated costs of those actions. While each cleanup is unique, the processes that are followed are all consistent between cleanups. NR 700 allows flexibility in your cleanup, so that the cleanup activities can be tailored to meet the specific conditions at your site.

While cleanup activities are occurring at your site, there are a number of opportunities for submitting applications for reimbursement. At the conclusion of your cleanup, you will need to submit a final application for reimbursement.

No one is happy to hear they have an environmental problem at their facility. Often it is not the result of deliberate actions on the part of the facility owner, but simply the result of standard management practices that we now know can cause environmental harm. The DNR will continue to work hard to find reasonable solutions to your environmental problems, balancing costs with protecting human health and the environment.



For More Information

To order this and any other publications, or to find out more information about the Remediation and Redevelopment Program, please call our Information Line at 800-367-6076 (long distance in-state) or 608-264-6020 (local or out-of-state); or check out our web site at <http://www.dnr.state.wi.us/org/aw/rr>.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.